

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Alyssa Peterson, Hartford

File No. 2019-101A

FINDINGS AND CONCLUSIONS

The Complainant, Alyssa Peterson, filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complaint contained numerous allegations concerning numerous individuals.¹ Specifically, Complainant alleged that Respondent Jacqueline Nadal improperly signed a candidate certification form and voted in the March 6, 2016 Hartford Democratic Primary when she was not authorized to do so. The following are the Commission's findings of fact and conclusions of law:

Factual Background

1. From at least January of 2017 through May 10, 2019, Respondent Jacqueline Nadal was the owner of real property located on New Britain Avenue in Hartford (the "New Britain Avenue Property").
2. Prior to January of 2017, Respondent Nadal registered to vote in the City of Hartford stating on her voter registration application that her *bona fide* address was the New Britain Avneue Property.
3. On or about May 30, 2017, Respondent Nadal's spouse, Respondent James Sanchez, purchased real property located on Freeman Street in Hartford (the "Freeman Street Property").
4. On or about June 22, 2017, Respondent Sanchez transferred the title of the Freeman Street Property to both himself and Respondent Nadal via a quit claim deed.
5. Between June 2, 2017 and May 1, 2018, Respondent Sanchez utilized both the New Britain Avenue Property and the Freeman Street Property as residences.
6. On May 2, 2018, Respondent completed a new voter registration application stating that her *bona fide* address was the Freeman Street location.
7. On or about June 1, 2018 Respondent Nadal, as landlord of the New Britain Avenue Property entered into a lease agreement with new tenants.

¹ Allegations in the Complaint concerning the conduct of the Hartford Registrar of Voters shall be addressed in a separate document.

8. On or about May 10, 2019, Respondent Nadal sold the New Britain Avenue property.
9. Respondent Nadal was a candidate in the March 6, 2018 Hartford Democratic Town Committee Primary for the sixth assembly district.
10. On the registration form Respondent Nadal listed the New Britain Avenue Property as her Residence address.²
11. The evidence is unclear as to whether Respondent Nadal voted in the March 6, 2018 2018 Hartford Democratic Town Committee Primary for the sixth assembly district, but, as detailed hereinafter, such fact is irrelevant to the outcome of this matter.
12. Respondent Nadal voted in the November 7, 2017 general election in the City of Hartford claiming the New Britain Avenue address as her *bona fide* residence.
13. The New Britain Avenue Property and the Freeman Street Property are both located within the same General Assembly District and utilize the same polling location.

Law Concerning Bona Fide Residency

14. An elector is eligible to register and vote in a particular town only if such voter is a bona fide resident of such town. General Statutes § 9-12, provides in pertinent part:
 - (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday *and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town.* No mentally incompetent person shall be admitted as an elector. . . (Emphasis added.)
15. "In addition to the statutory prongs of age, citizenship and geographic location identified above, an individual's bona fide residence must qualify as the place where that individual maintains a true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to return." See, e.g., *In the Matter of a Referral by Manchester Registrars of Voters, Manchester*, File No. 2013-077 (emphasis added); *In the*

² Respondent Nadal originally listed the Freeman Street Property on this form but changed it prior to the town committee primary.

Matter of a Complaint by Gary Amato, North Haven, File No. 2009-158 (2010); *In the Matter of a Complaint by Cicero Booker, Waterbury*, File No. 2007-157.

16. In other words, “bona fide residence” is generally synonymous with domicile. *Id.*; *cf. Hackett v. The City of New Haven*, 103 Conn. 157 (1925); *In the Matter of an Appeal of Gerald J. Porricelli and Marianne Porricelli against the Board for Admission of Electors and Registrars of the Town of Greenwich*, File No. 2007-054.
17. The Commission has concluded, however, that “[t]he traditional rigid notion of ‘domicile’ has . . . given way somewhat but only to the extent that it has become an impractical standard for the purposes of determining voting residence (i.e., with respect to college students, the homeless, and individuals with multiple dwellings).” (Emphasis added.) *In the Matter of a Complaint by James Cropsey, Tilton, New Hampshire*, File No. 2008-047 (Emphasis added.). See also *Wit v. Berman*, 306 F.3d 1256, 1262 (2d Cir. 2002) (stating that under certain circumstances the domicile rule for voting residency can give rise to administrative difficulties which has led to a pragmatic application of that rule in New York); *Sims v. Vernon*, Superior Court, Fairfield County, No. 168024 (Dec. 22, 1977) (concluding that an absentee ballot of an individual should be counted as that individual was a bona fide resident of the town in which the ballot was cast.); *Farley v. Louzitis*, Superior Court, New London County, No. 41032 (Oct. 4, 1972) (considering issue of voter residency with respect to college students and stating that “a student, and a nonstudent as well, who satisfies the . . . residence requirement, may vote where he resides, without regard to the duration of his anticipated stay or the existence of another residence elsewhere. It is for him alone to say whether his voting interests at the residence he selects exceed his voting interests elsewhere.”) (Emphasis added.)
18. The Commission has previously concluded that “[a]n individual does not, therefore, have to intend to remain at a residence for an indefinite period for that residence to qualify as that individual’s bona fide residence.” *Referral by Manchester Registrars of Voters*, Manchester, File No. 2013-081; (quoting *In the Matter of a Complaint by James Cropsey, Tilton, New Hampshire*, File No. 2008-047). Rather, the individual only has to possess a present intention to remain at that residence. *Id.*; see also *Maksym v. Board of Election Com'rs of City of Chicago*, Illinois Supreme Court, Docket No. 111773 (January 27, 2011), 2011 WL 242421 at *8 (“[O]nce residency is established, the test is no longer physical presence but rather abandonment. Indeed, once a person has established residence, he or she can be physically absent from that residence for months or even years without having abandoned it. . . .”)
19. However, in order for a multiple-dwelling examination to be made, the person still must have sufficiently established that such person meets the criteria for bona fide residency in

the first instance. See *Farley*, above. Then, and only then, may the person choose between such multiple dwellings. *Id.*

Discussion

20. As the New Britain Avenue address was Respondent Nadal's only address prior to June of 2017, and she had lived there for some time, Respondent Nadal had clearly established residency at such location.
21. The question, therefore, is had Respondent Nadal abandoned such property before engaging in further electoral activity. The answer here is no. Respondent Nadal continued to own both properties during all relevant periods, and, in fact, utilized both properties as residences due to a leg injury she sustained in that period.
22. The earliest date that Respondent Nadal could be said to have abandoned residency at the New Britain Avenue Property would have been when Respondent Nadal offered the property to long-term renters.³
23. At that point, Respondent Nadal had already updated her voter registration to indicate the Freeman Street Property was her address for voting purposes.
24. Moreover, even if this weren't the case, because both properties were located within the same general assembly district and utilized the same polling location, changing her registration address from one property to another would not have changed what candidates she would have been eligible to vote for or what offices she would have been eligible to hold.
25. Accordingly, it is the conclusion of the commission that the allegations against Respondent Nadal should be dismissed.
26. Furthermore, the Complainant names James Sancez, Kathleen Kowalyshyn, Maly Rosado, Marc DiBella, and John Kennelly as Respondents. After reviewing the complaint and the relevant information collected, the allegations against these Respondents either did not form the basis of a violation of the law within the jurisdiction of the commission or could not be substantiated after investigation. Accordingly, the allegations in the complaint against these respondents should be dismissed.

³ Renting out a property is not *prima facie* evidence of abandonment, but rather relevant evidence that is considered among many when the Commission evaluates *bona fide* residency claims.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the allegations against Respondents Jacqueline Nadal, James Sancez, Kathleen Kowalyshyn, Maly Rosado, Marc DiBella, and John Kennelly be dismissed.

Adopted this 3 day of June, 2020 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission